

# Exhibit 1



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December 16, 2020

**Via ECF**

Honorable Alison J. Nathan  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: Benthos v. Etra, 20 Civ. 03384**

Dear Judge Nathan:

Last evening, judgment debtor Aaron Etra sent me what appeared to be a copy of an e-mail addressed to Your Honor, with no indication of when it was sent and no visible e-mail addressee. Mr. Etra, a Member of the Bar, knows quite well how to file through the ECF system – see, e.g., Dkt. 28 (16-page memorandum of law) and Dkt. 31 (Notice of Appeal with detailed statement of purported issues) – and he should be required to do so. In any event, please accept this brief response.

- An independent arbitrator ruled that Mr. Etra breached his fiduciary duties to my client, and this Court confirmed the award. Mr. Etra may pretend otherwise, but surely he understands the consequences of my client (which he put out of business) having a judgment against him.

- Mr. Etra seems to have no trouble seeking here to relitigate his liability and his adjudicated misconduct, over and over,<sup>1</sup> yet he has not been able to trouble himself even to list all of his financial accounts and credit cards since 2018, nor to print the corresponding statements from his (many) banks' websites, much less to comply with the rest of our subpoenas.

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<sup>1</sup> His comments remain outrageous, not to say Orwellian, and not worthy of rebuttal at this juncture. "Offers of cooperation"! "I devoted myself to trying to help them"! "Far from . . . acting dishonorably, I have consistently . . . assisted Benthos"! "There has never been any evidence of my involvement with any untoward activity"! "Blameless"!



Honorable Alison J. Nathan  
December 16, 2020  
Page 2

- From the moment he received our subpoenas in August, he has adamantly refused to comply with any aspect of them (consistent with his history of prevarication and defiance), including for several months before his recent hospital visit (and he has sent nothing coming close to establishing his inability to comply, which he clearly could do if motivated to do so). He is determined to conceal his financial details, and he has done a good job so far: four months in and we have two pieces of paper.

- We will address settlement issues with the Magistrate Judge, but it is important to repeat that Mr. Etra has never offered one single penny – all he proposes is in effect “you stop judgment enforcement and maybe I will make a concrete proposal months from now.” Given my client’s principals’ experience with Mr. Etra, who was instrumental in stealing \$5 million from them and who lied repeatedly to them and to Judge Batts, they (and we) see that for what it is: nothing other than a further delay tactic.

Benthos respectfully refers the Court to my December 4th letter (Dkt. 37), and to our recent contempt papers (Dkt. 24 et seq.). This remains one big stall, and Mr. Etra should not be relieved from the Court’s December 4th Order (Dkt. 39). He may as well shout from the rooftops, “I will never reveal my finances until the judge is on the verge of incarcerating me” (just as he refused to return Benthos’s \$400,000 from his attorney escrow account until Judge Batts told him, “pack your toothbrush”).

It remains simply a question of how long it will take to reach that point.

Respectfully yours,

/s/Steven R. Popofsky

Steven R. Popofsky

cc: Aaron Etra